

OCT 6 2011

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

## UNITED STATES COURT OF APPEALS

## FOR THE NINTH CIRCUIT

BENJAMIN LOPEZ AYALA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-71959

Agency No. A095-787-470

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted September 27, 2011\*\*

Before: SILVERMAN, W. FLETCHER, and MURGUIA, Circuit Judges.

Benjamin Lopez Ayala, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's removal order. Our jurisdiction is governed by 8 U.S.C.

§ 1252. We review de novo constitutional questions and questions of law, *Khan v.*

---

\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*Holder*, 584 F.3d 773, 776 (9th Cir. 2009), and review for abuse of discretion the denial of a request for a continuance, *Ahmed v. Holder*, 569 F.3d 1009, 1012 (9th Cir. 2009). We deny in part and dismiss in part the petition for review.

Lopez Ayala's conviction for inflicting corporal injury on his spouse, in violation of California Penal Code § 273.5(a), is a crime of domestic violence under 8 U.S.C. § 1227(a)(2)(E)(i) that renders him ineligible for cancellation of removal. *See* 8 U.S.C. § 1229b(b)(1)(C); *Vasquez-Hernandez v. Holder*, 590 F.3d 1053, 1056-57 (9th Cir. 2010).

The agency did not abuse its discretion in denying Lopez Ayala's request for a sixth continuance to allow him to seek post-conviction relief. *See Sandoval-Luna v. Mukasey*, 526 F.3d 1243, 1247 (9th Cir. 2008) (agency did not abuse discretion in denying a second continuance for alien to pursue alternative application for relief).

We lack jurisdiction to consider Lopez Ayala's contentions that are unrelated to his final order of removal. *See* 8 U.S.C. § 1252(a) (conferring jurisdiction over final orders of removal). Lopez Ayala's remaining contentions are unpersuasive.

**PETITION FOR REVIEW DENIED in part; DISMISSED in part.**